

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PACKET INTELLIGENCE LLC,

Plaintiff,

v.

**NETSCOUT SYSTEMS, INC.,
TEKTRONIX COMMUNICATIONS, and
TEKTRONIX TEXAS, LLC,**

Defendants.

Case No. 2:16-cv-00230-JRG

Jury Trial Demanded

(Lead Case)

NETSCOUT'S NOTICE OF APPEAL

Defendants NetScout Systems, Inc. and NetScout Systems Texas, LLC (formerly known as Tektronix Texas, LLC d/b/a Tektronix Communications) (collectively “NetScout”) hereby appeal to the United States Court of Appeals for the Federal Circuit from the Final Judgment (Dkt. No. 307) entered by the District Court in the above-captioned action on September 7, 2018, the Memorandum Opinion And Order (Dkt. 344) dated June 5, 2019, the Memorandum Opinion And Order (Dkt. 343) dated May 31, 2019, the Order Adopting Proposed Findings of Fact And Conclusions of Law (Dkt. 306) dated September 7, 2018, the Order Granting Motion For Enhanced Damages (Dkt. 305) dated September 7, 2018, the portion of the Order Granting-In-Part Plaintiff’s Motion For An Ongoing Royalty (Dkt. 303) dated September 7, 2018 decided adversely to NetScout, the Order Granting Motion For Pre-Judgment And Post-Judgment Interest (Dkt. 302) dated September 7, 2018, the Findings of Fact and Conclusions of Law (Dkt. 298) dated February 14, 2018, the Order on Motions *in Limine* and Pretrial Motions, including NetScout’s Motion for Summary Judgment of Non-Infringement and as to Pre-Suit Damages (Dkt. 228) dated September 29, 2017, the Court’s denial of NetScout’s Motion for a Mistrial on October 12, 2017 (Dkt. 250), and the Claim Construction Memorandum and Order (Dkt. 66) dated March 14, 2017, and from all other orders, rulings, findings, and/or conclusions of any kind whatsoever decided adversely to NetScout.

Included is a payment of the \$5 filing fee required by 28 U.S.C. § 1917 and the \$500 docketing fee required by Federal Circuit Rule 52(a)(3), paid to the District Court pursuant to Federal Rule of Appellate Procedure 3(e) and Federal Circuit Rule 52(a)(2).

Dated: June 12, 2019

/s/ Eric Kraeutler

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TEXAS, LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that, on June 12, 2019, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented to electronic service.

/s/ Eric Kraeutler

Eric Kraeutler